

Justin-Breithaupt:Family of Breithaupt
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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NOV 10 2014

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Justin-Breithaupt:Family of Breithaupt the private man.

Plaintiff (petitioner),

v.

Matt Newberg, John Henry, & THE GARFIELD
COUNTY SHERIFF'S OFFICE.

Defendant (respondent).

No. **2:14-CV-344-JLQ**

**Petition for a Federal Order for
Protection Against Harassment,
Incarceration, Arrest, or Other
Injury.**

Proof of Service, & Declaration.

- ☒ I am, a victim of unlawful arrest, incarceration, threats for failure to appear / comply, (among other things) because the respondent's actions toward me have seriously alarmed, annoyed or harassed me, or are detrimental to me and they serve no legitimate or lawful purpose. The respondent's actions have caused me substantial emotional distress or caused me to fear for the well-being of my child.

☒ The respondent and I:

- ☐ are or have been related by blood or marriage, lived together, or been in a dating relationship
- ☒ have not been and are not now related by blood or marriage, lived together, or been in a dating relationship.

I have given a detailed explanation below.

1. Who is the petitioner?

My name is Justin-Breithaupt:Family of Breithaupt the private man. I am the petitioner.

☒ I am 18 or older and I am petitioning on my own behalf.

2. Who is the respondent?

The Respondent/s is/are 18 years of age or older.

3. Where do the parties live?

Petitioner lives in Garfield county.

Did the petitioner leave their residence because of stalking conduct and that is the county of their new residence?



☐ Yes ☒ No

Respondent lives in Garfield county.

4. Where did the Conduct take place?

The conduct took place in Garfield county.

• Statement describing the victim/s need for protection from the respondent

5. Describe what the Respondent did or said that you think is Harassment, Incarceration, Arrest, or Other Injury..

- You must describe what the respondent actually said.
- You must describe what the respondent actually did.

The respondent has committed acts of harassment or stalking as follows:

A. Describe the most recent incident of Harassment, Incarceration, Arrest, or Other Injury.

Date and time (on or around): 11-03-2014 9 AM – Some Time After 3 PM PST

Location: DISTRICT COURT OF GARFIELD COUNTY WASHINGTON, 789 West Main Street Pomeroy WA, 99347, (509) 843-1002

What did the respondent do or say that you believe to be Harassment, Incarceration, Arrest, or Other Injury?

On this date, I appeared under duress, because of a previous threatening note, issued to me by John Henry stating: "FAILURE TO OBEY THIS SUMMONS MAY RESULT IN THE ISSUANCE OF A WARRANT FOR YOUR ARREST". Shortly after 9 AM, the pretending / acting Judge John Henry, did enter the court room, and I believe the acting clerk stated that the District Court was in session, and began recording the criminal activities in progress. Matt Newberg was also present pretending to be a County Officer, as well as the acting Garfield County Sheriff's Office. Before any further injury could take place against me, I Objected to the trial on the record. I had "Document 1" Filed 10/24/14 served upon all defendants by the acting representative of the Garfield County Sheriff's Office. I also stated for the record that the trial would be in a direct violation of: the Federal Rules of Civil Procedure, and the UNIVERSAL DECLARATION OF HUMAN RIGHTS TREATY Dec 10th 1948. The acting Judge did over rule my objection, and the defendants continued their criminal activity. They forced me to select a Jury of 6 persons, who all said they were Citizens of the United States, and not part of the royal peerage, and were therefore not peers. The judge overruled that objection as expected. I don't know of any Federal Law, or anywhere in the Constitution for the United States, where it says that a jury of only 6 persons is legal. Since it wasn't a court of record, the Jury was instructed to reach a verdict under statutes alone, and not permitted to nullify, or use common law. After the 6 persons reached a verdict, they seemed very distressed, and unhappy, and they presented the verdict to the acting Judge, and he didn't seem happy either. No one felt Justice had been served. Then the acting Judge and acting Prosecutor did sentence me to Jail, told me my inalienable 2nd Amendment Rights were no longer mine to enjoy, instructed me to go to Domestic Violence classes, pay court fees, get a mental health evaluation, and that I would be on unsupervised probation for 24 months.

How did the respondent make these statements? ☒ in person ☒ mail/written notes

☐ e-mail ☐ text ☐ phone ☐ social media (such as facebook and twitter)

☐ other (describe): _____

B. Describe other incidents of harassment or stalking. For each incident, include the date, time (on or about), location, what was said, how statements were made, and what was done to a victim.



Aug 24th 2014 After I was kicked out of my own home, by my neighbors, for trying to stop and prevent illegal drug trafficking, Mindy Breithaupt called the Garfield County Sheriff's Office, and asked that a bruise on her arm be documented, that she alleged that I caused. After looking over the evidence presented to me, I believe the bruise was self inflicted during a seizure, as is routine with her, and medically documented. Adrian Stebbins and Dru Higher were the responding acting & pretending deputies, who spoke with Mindy Breithaupt. In Mindy's Statement (verbal and written) she (a people, a woman) did not consent to the acting / pretending Government arresting me, or filing any charges against me. Mindy Breithaupt did object to any charges being filed by the State, or any arrest being made. The acting officer Adrian Stebbins, then checked with the acting Prosecutor (to the best of my knowledge) to get instructions on what to do. Adrian then came to arrest me at 332 Pataha Street, Pomeroy WA. I tried to present him with the evidence of the illegal drug activity, but he told me he couldn't look at it, until after I had been released from jail. I was treated as guilty, before proven innocent. There was no affidavit of probable cause signed before a Judge at that time, nor was there an affidavit from any alleged injured party. Matt Newberg decided to pretend to be able to represent THE STATE OF WASHINGTON, and alleged that THE STATE OF WASHINGTON was the alleged injured party, and that the person known as THE STATE OF WASHINGTON, had the right to have me kidnapped and incarcerated for attempting to stop an illegal drug transaction. The accusation was 4th degree assault.

Aug 25th 2014 After being held against my will, I was brought before John Henry, who was acting as Judge. Under Duress I agreed to any and all conditions of release, as well as a bond, and was issued a threat "FAILURE TO OBEY THIS SUMMONS MAY RESULT IN THE ISSUANCE OF A WARRANT FOR YOUR ARREST" that required me to appear on September 4th at 10 AM PST. I decided that if I filed a Motion to Dismiss, based on all the laws that were violated, that the Judge would have to dismiss the case. I checked to see if their oaths had been properly filed on **10-02-2014** by walking into the County Auditor's office with a Freedom of Information Act request. The Acting auditor seemed puzzled. She told me that no oaths were in the drawer / book for 2010 – 2014. I had expected to at least see a peace of paper in there, for at least one acting county officer. To the best of my knowledge this is the first time in history that there have been no oaths filed, for a term of office, in a county, in these United States of America. The Acting auditor explained that she didn't know any of the laws in regards to oaths being filed, and that at least the Judge and Prosecutor had to have them, but she couldn't find them. She said she needed to look for them. After this, the acting Prosecutor decided to retaliate by changing my deferral from 12 months to 18 months, for checking to see if he had a valid oath of office. I say this because the appointed attorney / defender, sent me a copy that said 12 months, and then after checking for the oaths I received a copy from Matt Newberg that said 18 months. The local USPS doesn't put post marks on their mail, but instead prints a tiny number and bar code along the edge, so I assume that Matt Newberg had his own postal machine. The label said it was post marked on 09/24/2014, and that doesn't line up with when I received it. The envelope had to have been postmarked, prior to putting the documents into the envelope. **September 4th 2014**, I appeared under duress, I explained to the Judge that the State can't be an injured party, and that THE STATE OF WASHINGTON was listed on the form. The acting Judge explained that this state is a state of statutes, and not common law (**a violation of state statutes, and is not a court of record**) and I asked the acting Judge about the Jurisdiction, by asking him if this court operated under the Constitution for the United States, or the Declaration of Independence, and he simply turned his chair and looked at the back of the court room. The court is required to tell what Jurisdiction it's under. Furthermore the Judge threw out my motions to dismiss, and said they needed to be in the form of affidavits. I went home, and turned in several signed affidavits and notices of TORT. These were all ignored, after being read.

10-02-2014 I returned all checks, bonds, and other negotiable instruments to the acting Trustee Kattie Magill, and all matters in this case were closed and discharged. Truth and Lending Clause Regulation Z, 31 U.S. Code § 5103, and § 3-503. NOTICE OF DISHONOR "Return of an instrument given to a bank for collection is sufficient notice of dishonor."

10-08-2014 I tried to file Item # 10082014/NMNJH/JCB-4 in the Superior court of Garfield County WA. The acting clerk refused to file the document. I was told to fill out a confidentiality form, and yet the acting clerk did put the document into the box of the Defendant John Henry, instead of the box of the acting Superior court Judge. After going over the document, John Henry passed it along to Galina the acting Superior court Judge. After waiting, and not getting any response, no filing was made, no number assigned, so I filed in another Superior Court, The UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WASHINGTON on 10/24/14.



10-16-2014 Pre-Trial Hearing: Again appearing under duress, but this time it was a secret hearing. At the previous hearing, there was some laughter among the others seated behind me, when I said I couldn't sign any forged documents. The acting Judge instructed everyone to leave prior to my hearing. The acting Sheriff was present, in addition to the acting bailiff Dru Higher. Matt Newberg, and John Henry were also present, as well as the acting court clerk. John Henry was aware that I had attempted to file against him, 2 days prior at an unscheduled hearing. I had heard of these secret hearings before, but I had never seen one carried out in person until 10-16-2014. After everyone was gone, the acting Judge said that anyone was free to come or go, but it appeared the acting Sheriff was guarding the door. Everyone in the court room, was fully aware of the violations of the law, and that felonies in progress were currently being carried out. Matt Newberg and John Henry both said that their oaths had been filed in accordance with the Washington State Statutes. I had previously submitted the copies, I received from Matt Newberg in the mail, as evidence, so there was no question of a reasonable doubt, that their oaths were not filed, and did not qualify under the statutes of Washington State.

11-03-2014

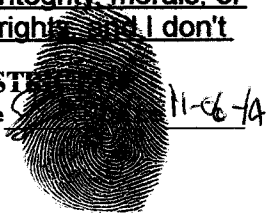
Please see all other filings in regards to any claims, complaints, or other documents filed in cases:

2:14-CV-344-JLQ, and 14-C08003, in regards to any events that might have been left out.

6. How did the incidents you describe above make you, feel?

In the beginning I was confused, as to why I was being kidnapped, when Mindy Breithaupt had engaged in unlawful drug sales. I didn't stop to think that Adrian was acting under the direction of Matt Newberg. I was upset with Mindy Breithaupt, and decided that I couldn't stay married to her, if it meant the liability of going to jail, and facing criminal charges for her actions. I became anxious and couldn't sleep while incarcerated. After reviewing the law in my mind, and consulted with council, I knew that according to the Law I couldn't be held or charged with a crime, however I was surprised to discover that the District Court in Garfield Washington acted without Jurisdiction, was not a court of record, alleged that the state could be an injured party, and did not operate in accordance with any law I was, or am aware of. I was very disappointed in the court system, and the acting officers here. After thinking it over, I realized that Mindy had joined in with the organized criminal machine here, and that she will never be arrested for drug sales, or any other crime, so long as she is loyal to the gang of organized criminals. The further along in the hearings and trial that things went along, the more anxiety, stress, and other injury was caused to me and my family. I also lost access to my domicile, and anything I needed. I felt like all the energy and time I spent trying to stand up for Mindy, and work with the acting County Officials was a waste of time. I had heard that in other counties, the acting county officers hadn't filed their oaths correctly, but that there was something in the file / drawer. I expected to find something, when I did my FOIA, but was shocked to discover, that to the best of anyone's knowledge, Garfield County was the first County in United States history, to not have anything in the drawer / file for an election term. I became even more upset when I discovered that no one cared, and when I heard the acting Judge and acting Prosecutor lie on record, saying that the oaths were filed. When I listed all the laws they broke, and made them aware, I was very disappointed when they continued at the pre-trial hearing, and when the acting under-sheriff, participated. Up until that point I had, had faith that our under-sheriff was unaware of all of these violations of the law. I thought he was a good man / person. They all demonstrated that they had full knowledge of their crimes, and didn't care. After I waited for acting Superior Court Judge Gallina to allow my case to be filed, I felt let down by Him as well. After the trial, I came to the realization that the Christian way of life, as guaranteed under the Constitution, as well as having any hopes or dreams, had been outlawed under the statutes, and that there is no hope for any kind of future, hopes, or dreams outside of organized crime, and that the only people who get to do anything they want, or have any kind of joy or happiness, security, liberty, or rights are those engaged in organized crime. This has hurt me a lot. Unless I can do something about this, I see no point in trying to have integrity, morals, or convictions of any kind. I also feel vulnerable without any 2nd Amendment rights, and I don't

11-cv-14



believe my rights should be taken away, as a result of any such criminal behavior by the Defendants. Previous history has proven, when me and my wife lived together, that the only way to ensure, there was no illegal trespassing, stalking (by other persons not mentioned on this order), was to notify the acting Sheriff that we had a gun. After that, no deputies other than Adrian Stebbins had any interest in coming in, or around our home, and neither did any stalkers. To elaborate, the specific stalker, was under a protection order, and still violated it, and did injure our phone box, door handles, vehicle, and Mindy Breithaupt, and her children while Protection Orders were currently in place, and the acting Sheriff's Office would not enforce any such orders. The criminal activity only stopped after telling the Sheriff I gave Mindy Breithaupt a firearm. On previous occasion, Ricky Delp as an acting Deputy, explained that he could come into my home at any time, and call it a wellness check. This prompted me to put up a no trespassing sign, with laws written on it.

7. Has the respondent used, displayed, or threatened to use a firearm or other dangerous weapon in a felony? Please describe:

YES. The Garfield County Sheriff's Office has been and still is caring firearms inside and on the property of the Garfield County Court House, and Sheriff's Office, even though they don't have any oaths of office filed in accordance with the law. I feel threatened by them, at all times, especially sense I know, that they know, that they are all criminals. Family and Friends are worried that one of these acting County Officers will attempt to harm or murder me. Matt Newberg is the acting County Coroner, and so that is a possibility. Mrs. Lynn Lyle worked as an acting County Dispatcher here, and I spoke to her, with Mindy Breithaupt one week prior to her death. She told me and Mindy that she had gotten to the root of the corruption in the County, and at that time we were all standing at Dispatch talking with one another. The next week she mysteriously died in the Mountains. <http://obitsforlife.com/obituary/549046/Lyle-Lynn.php> Everyone was convinced that there was no foul play, but I am not convinced, because of what she told us the last time Mindy and I saw her.

8. Has the respondent previously committed an offense that makes him or her ineligible to possess a firearm under the provisions of RCW 9.41.040? Please describe:

I don't honestly know what all criminal activity has taken place without a proper investigation

9. Does possession of a firearm or other dangerous weapon by the respondent present a serious and imminent threat to public health or safety, or to the health or safety of a victim? Please describe:

Yes, because they are all acting without Jurisdiction, and are not in compliance with any type of law, that is legal to be practiced in any of these United States.

10. Do you have any evidence of the harassment or stalking conduct other than testimony?

☐ No

☒ Yes. I have attached the following evidence:

- ☐ Copy of mail or written notes
- ☐ Copy of text messages
- ☐ Copy of emailed messages
- ☐ Copy of social media messages
- ☐ Police report

☒ Declaration or Affidavit from the following witness: Justin Chad Breithaupt

☒ Other (describe): Court Documents Case No. 14-C08003

11. If there any other litigation between the victim/s and the respondent? This includes all matters - pending or past - such as parenting plans, landlord-tenant disputes, employment disputes, or property disputes. If yes, provide case number/s if known, type of case, and name of court:

Case No. 14-C08003 District Court of Garfield County WA.

➤ Requests

12. I ask the Court for an order approving the following requests for protection:

I Request an **Order for Protection** following a hearing that will:

<input type="checkbox"/> No-Contact: restrain the respondent from making any attempts or having any contact, including nonphysical contact, with the person/s to be protected, directly, indirectly, or through third parties regardless of whether those third parties know of the order, except for mailing of court documents.
<input checked="" type="checkbox"/> Surveillance: prohibit or restrain the respondent from making any attempt to keep or from keeping the person/s to be protected under surveillance, including electronic surveillance.
<input checked="" type="checkbox"/> Exclude from places: exclude the respondent from the <input checked="" type="checkbox"/> residence / domicile <input checked="" type="checkbox"/> workplace <input type="checkbox"/> school <input type="checkbox"/> day care of the person/s to be protected.
<input checked="" type="checkbox"/> Stay Away: Prohibit or restrain the respondent from entering or being within, or from knowingly coming within, or knowingly remaining within 50 feet (distance) of the <input checked="" type="checkbox"/> residence / domicile <input checked="" type="checkbox"/> workplace <input type="checkbox"/> school <input type="checkbox"/> day care of the person/s to be protected. <input type="checkbox"/> other locations: _____
<input checked="" type="checkbox"/> Other: If I am required, or have need to appear in the Superior Court of Garfield County Washington, I do request that all parties may be present, but that they leave all firearms outside the facility, or other dangerous weapons, and that no agent or officer of the acting Sheriff's Office, take any action against me. I also request an emergency number for the US Marshal's office. I do not intend to harm, or injure anyone during the duration of this Protection Order, and my history reflects that. I do not have any intention to interact with Mindy Breithaupt, other than in regards to an annulment / divorce, the trade of vehicles, personal items, and to negotiate our annulment / divorce in a public environment, without the need of any mediation.
<input checked="" type="checkbox"/> Evaluation: Order the respondent to have a <input checked="" type="checkbox"/> mental health <input checked="" type="checkbox"/> chemical dependency evaluation. <input type="checkbox"/> other: _____
<input checked="" type="checkbox"/> Pay Fees and Costs: Require the respondent to pay fees and costs of this action, which may include administrative court costs and service fees and petitioner's costs including attorneys' fees.
<input checked="" type="checkbox"/> Surrender Firearms: Require the respondent to surrender any firearm or other dangerous weapon, or any concealed pistol license and prohibit the respondent from obtaining or possessing a firearm or other dangerous weapon, or a concealed pistol license.
<input checked="" type="checkbox"/> Duration: Remain effective longer than one year because respondent is likely to resume acts of unlawful harassment or stalking conduct against the persons to be protected if the order expires in a year.



Emergency temporary protection (up to 14 days) until the court hearing:

- ☒ An emergency exists as described below. I request that a **Temporary Stalking Protection Order** granting the relief I requested above for a no-contact, surveillance, exclude from places, or stay away order be issued immediately, without prior notice to the respondent, to be effective until the hearing.
- ☒ I also request a temporary surrender of a firearm or other dangerous weapon without notice to the other party because irreparable injury could result if an order is not issued until the hearing.

What irreparable harm would result if an order is not issued immediately without prior notice to the respondent?

It is possible, that further threats for illegal kidnapping, incarceration, treason, and or other crimes may be made, and that the good people within this county may be injured as a result of any further activities, including myself, and or my family. At this time my parents do not wish to be put on this protection order, but that may change if any threats or criminal actions are made.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: 11-06-14 at Garfield County Washington.

All Rights Reserved And None Waived

Justin Breithaupt
Petitioner

Justin Breithaupt: Family of Breithaupt
Print or type name

My address for the purpose of receiving service of legal documents is:

Justin-Breithaupt: Family of Breithaupt
P.O. Box 483
Pomeroy, Washington
509-843-7256, 509-843-1828

'Errors and omissions are consistent with intent'